

REMARKS

SPECIFICATION

The Specification is amended to support the claim 1 limitations based on the originally filed method claim 16 [now cancelled].

No new matter has been added.

CLAIMS

The claims are restated for clarity of review and are not amended.

No new subject matter has been added.

DISCUSSION

Claims 26-35 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Support has been added via amendment to provide support to all of the method steps claimed. The support comes from originally filed method claim 16, now cancelled.

"The specification need describe the invention only in such detail as to enable a person skilled in the most relevant art to make and use it. When an invention, in its different aspects, involves distinct arts, that specification is adequate which enable the adepts of each art, those who have the best chance of being enabled, to carry out the aspect proper to their specialty." In re Naquin, 398 F.2d 863, 158 USPQ 317, 319 (C.C.P.A. 1968) (citing International Standard Elec. Corp. V Ooms, 157 F.2d 73, 70 USPQ 32 (D.C. Cir. 1946)).

Applicant submits that the cleaning step in particular of a substrate is known to one skilled in the art and requires no extensive teaching in order to convey the claimed invention.

Claims 26-35 are rejected under 35 USC 103(a) as being unpatentable over Milojevic (US Pat Pub 2004/0147825) in view of Sheppard (US Pat Pub 2002/0187260).

Claim 26 is an independent claim and claims 27-35 depend from claim 26. Claims 27-35 are further limitation on claim 26 and are allowable when claim 26 is allowed.

Milojevic is not qualified as prior art against the instant patent application. Accordingly Sheppard alone cannot and does not render Applicant's patent obvious, even if, arguably, Sheppard teaches to deposit a second polyparaxylylene layer and to remove at least a portion of the second layer defining at least one aperture.

Applicant's priority date is 8/9/02, as presented in the Cross-Reference to Related Application section.

Milojevic, which has two non-US inventors, was filed on 11/7/03 and was published as a pending application on 7/29/04.

Milojevic also was filed initially as a PCT application on 11/7/02.

The subject matter was developed by another person, but fails to qualify as prior art under 102(e), (f), or (g) of section 35 USC 102.

Accordingly claims 26-35 are allowable.

In view of all of the foregoing, reexamination is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California area telephone number (661) 803-2622 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

4/12/11

Date

/Gary Schnittgrund/

Gary Schnittgrund
Attorney for Applicant
Reg. No. 42,130

Second Sight Medical Products, Inc.
12744 San Fernando Rd
Building 3
Sylmar, CA 91342
(818) 833-5055